

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

First Class Package Service (FCPS),
Service Standard Changes, 2021

Docket No. N2021-2

MOTION FOR ACCESS TO NON-PUBLIC MATERIAL
(June 25, 2021)

The American Postal Workers Union, AFL-CIO, hereby moves the Commission to permit access to Phillip Tabbita to certain non-public material as identified in the attached Protective Conditions Statement and Certification to Comply With Protective Conditions executed by Mr. Tabbita.

Respectfully Submitted,

MURPHY ANDERSON PLLC



Melinda Holmes, Esq.
Nicholas Mendoza, Esq.
1401 K Street NW, Suite 300
Washington, D.C. 20005-4126
Tel.: (202) 223-2620
Fax: (202) 296-9600
mholmes@murphypllc.com
nmendoza@murphypllc.com

*Counsel for the American Postal Workers Union,
AFL-CIO*

**Docket N2021-2 Non-public Material
Protective Conditions Statement**

The Postal Service requests confidential treatment of non-public materials identified as LR-N2021-2-NP2 Model Input Data and Results (hereinafter “these materials”) in Commission Docket No. N2021-2. Phillip Tabbita (hereinafter “the movant”) requests access to these materials related to Commission Docket No. N2021-2 (hereinafter “this matter”).

The movant has provided to each person seeking access to these materials:

- This Protective Conditions Statement;
- The Certification to Comply with Protective Conditions;
- The Certification of Compliance with Protective Conditions and Termination of Access; and
- The Commission’s rules applicable to access to non-public materials filed in Commission proceedings (subpart C of part 3011 of the U.S. Code of Federal Regulations).

Each person (and any individual working on behalf of that person) seeking access to these materials has executed a Certification to Comply with Protective Conditions by signing in ink or by typing /s/ before his or her name in the signature block. The movant attaches the Protective Conditions Statement and the executed Certification(s) to Comply with Protective Conditions to the motion for access filed with the Commission.

The movant and each person seeking access to these materials agree to comply with the following protective conditions:

1. In accordance with 39 CFR 3011.303, the Commission may impose sanctions on any person who violates these protective conditions, the persons or entities on whose behalf the person was acting, or both.
2. In accordance with 39 CFR 3011.300(b), no person involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials shall be granted access to these materials. Involved in competitive decision-making includes consulting on marketing or advertising strategies,

pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with an individual or entity having a proprietary interest in the protected material.

3. In accordance with 39 CFR 3011.302(a), a person granted access to these materials may not disseminate these materials in whole or in part to any person not allowed access pursuant to 39 CFR 3011.300(a) (Commission and court personnel) or 3011.301 (other persons granted access by Commission order) except in compliance with:

- a. Specific Commission order,
- b. Subpart B of 39 CFR 3011 (procedure for filing these materials in Commission proceedings), or
- c. 39 CFR 3011.305 (production of these materials in a court or other administrative proceeding).

4. In accordance with 39 CFR 3011.302(b) and (c), all persons granted access to these materials:

- a. Must use these materials only related to this matter; and
- b. Must protect these materials from any person not authorized to obtain access under 39 CFR 3011.300 or 3011.301 by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of these materials as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.

5. The duties of each person granted access to these materials apply to all:

- a. Disclosures or duplications of these materials in writing, orally, electronically, or otherwise, by any means, format, or medium;
- b. Excerpts from, parts of, or the entirety of these materials;
- c. Written materials that quote or contain these materials; and

- d. Revised, amended, or supplemental versions of these materials.
6. All copies of these materials will be clearly marked as "Confidential" and bear the name of the person granted access.
7. Immediately after access has terminated pursuant to 39 CFR 3011.304(a)(1), each person (and any individual working on behalf of that person) who has obtained a copy of these materials must execute the Certification of Compliance with Protective Conditions and Termination of Access. In compliance with 39 CFR 3011.304(a)(2), the movant will attach the executed Certification(s) of Compliance with Protective Conditions and Termination of Access to the notice of termination of access filed with the Commission.
8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.

Respectfully submitted,

/s/ *Phillip Tabbita*

Phillip Tabbita



Melinda K. Holmes
Nicholas Mendoza
Murphy Anderson PLLC
1401 K Street N.W., Suite 300
Washington, DC 20005
(202) 223-2620
mholmes@murphypllc.com
nmendoz@murphypllc.com

Attorneys for American Postal Workers
Union, AFL-CIO

Certification To Comply With Protective Conditions

The Postal Service requests confidential treatment of non-public materials identified as LR-N2021-2-NP2 Model Input Data Results (hereinafter “these materials”) filed in Commission Docket No. N2021-2.

Phillip Tabbita requests that the Commission grant me access to these materials to use related to Docket No. N2021-2 (hereinafter “this matter”).

I certify that:

- I have read and understand the Protective Conditions Statement and this Certification to Comply with Protective Conditions;
- I am eligible to receive access to these materials because I am not involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials; and
- I will comply with all protective conditions established by the Commission.

/s/ Phillip Tabbita

Phillip Tabbita
APWU Manager, Contract Negotiations
American Postal Workers Union, AFL-CIO

Date: June 25, 2021



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Murphy Anderson PLLC
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